

Salad Oil and Fifteen Percent Lucca Olive Oil", appearing on the labeling of the product, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it was not. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; for the further reason that the statement on the label, "One Gallon Net", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 11, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the court ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

23904. Misbranding of jellies. U. S. v. 182 Cases and 70 Cases of Assorted Jellies. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32972, 32991. Sample nos. 66840-A to 66843-A, incl., 66845-A to 66848-A, incl.)

Sample jars of assorted jellies taken from the shipment involved in this case were found to contain less than 14 ounces, the weight declared on the label.

On June 20 and June 26, 1934, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 252 cases of assorted jellies, in part at Denver, Colo., and in part at Pueblo, Colo., consigned by the C. H. Musselman Co., Biglerville, Pa., alleging that the article had been shipped in interstate commerce, on or about May 12, 1934, from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 14 Oz. Penn Maid Pure Apple-Raspberry, [et cetera] Jelly, Manufactured by The C. H. Musselman Co., Biglerville, Pa."

The article was alleged to be misbranded in that the statement, "Contents 14 Oz." borne on the label, was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On August 20, 1934, the Brown Bros. Brokerage Co., a Colorado corporation, having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,025, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

23905. Misbranding of salad oil. U. S. v. 550, 60, and 35 Cartons, of Salad Oil. Decree of condemnation and forfeiture. Product released under bond to be relabeled or repacked. (F. & D. no. 33029. Sample nos. 77405-A, 77406-A, 77407-A.)

This case involved a shipment of oil that was labeled to convey the impression that it was olive oil of foreign origin, but which consisted chiefly of domestic cottonseed oil, with a small amount of olive oil.

On June 29, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 645 cartons of salad oil at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about May 14, 1934, by V. Buonocore, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "One Gallon Net [or "Half Gallon Net" or "Quart Gallon"] Fine Oil Lucia Brand Consisting of eighty percent Domestic Vegetable Oil and twenty per cent Virgin Olive Oil * * * Packed by V. Buonocore, Inc., New York, N. Y."

The article was alleged to be misbranded in that the statements, "Fine Oil" and "Lucia Brand", appearing on the label, were false and misleading and tended to deceive and mislead the purchaser, as applied to an article consisting chiefly of domestic cottonseed oil with a small amount of olive oil. Misbranding was alleged for the further reason that the article purported to be a foreign product, imported olive oil, when not so.

On August 3, 1934, Vincent Buonocore, Inc., New York, N. Y., having appeared as claimant and having admitted the allegations of the libel, judgment of con-

demnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$8,000, conditioned that it be relabeled or repacked in containers that described its true nature.

M. L. WILSON, *Acting Secretary of Agriculture.*

23906. Misbranding of olive oil. U. S. v. 50 Cans, et al., of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond for refilling containers. (F. & D. nos. 33092, 33093, 33094. Sample nos. 6558-B to 6564-B, incl.)

Sample cans of olive oil taken from the shipments involved in these cases were found to contain less than 1 quart, the volume declared on the label.

On July 19, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 521 cans of olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce, in part on or about May 23, 1933, and in part on or about June 8, 1934, by the Mercantile Importing Co., from New Bedford, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, variously: "Azeita Puro De Oliveira Portuguez Portas de Rodam Castelo Branco Product of Portugal * * * 1 Quart"; "Azeita Puro D'Oliveira Portuguez Soloio Exportado Por Mandel Moreira Rato & Ca. Fos. * * * Lisboa * * * Extra Portugese Olive Oil Net Contents 1 Quart"; "Azeite Purissimo D'Oliveira Portugues Triunfante Importado por Tagus Importing and Exporting Co. New Bedford, Mass. * * * Net Contents One Quart."

The libels alleged that the article was misbranded in that the statements on the labels, "1 Quart", "Net Contents 1 Quart", and "Net Contents One Quart", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 16, 1934, the cases having been consolidated, and the Mercantile Importing Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released upon payment of costs and the execution of a bond in the sum of \$500, or the deposit of collateral in like amount, conditioned that the cans be refilled to the labeled volume.

M. L. WILSON, *Acting Secretary of Agriculture.*

23907. Misbranding of canned tomatoes. U. S. v. 297 Cases, et al., of Canned Tomatoes. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder destroyed. (F. & D. nos. 33098, 33147, 33255. Sample nos. 4121-B, 4157-B, 4158-B.)

This case involved canned tomatoes that were below the standard established by this Department, all lots having been found to be of poor color, and one lot containing excessive peel. The product was not labeled to show that it was substandard, and was falsely labeled as to the name of the manufacturer and place of manufacture.

On July 18, July 30, and August 15, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3 lots, consisting of 494 cases of canned tomatoes, at New Orleans, La. [one lot at Algiers, La.], alleging that the article had been shipped in interstate commerce, in various lots, on or about June 23, June 26, and July 7, 1934, respectively, by the Hazlehurst Canning Co., from Hazlehurst, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Shavers Brand Hand Packed Tomatoes * * * Packed by H. A. Shaver, Inc., Lakeland, Fla."

The article was alleged to be misbranded in that the statement on the label, "Packed by H. A. Shaver, Inc., Lakeland, Fla.", was false and misleading and tended to deceive and mislead the purchaser, since it was packed by the Hazlehurst Canning Co., at Hazlehurst, Miss. Misbranding was further alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or